



ANIMAL WELFARE BOARD OF INDIA

Ministry of Fisheries, Animal Husbandry and Dairying, Govt. of India
(Department of Animal Husbandry and Dairying)
NIAW Campus, 42 Mile Stone, Delhi-Agra Highway
NH-2, Ballabgarh, Haryana-121004
Email: animalwelfareboard@gmail.com : Website: www.awbi.in

No.9-06/2023-24/PCA

Date: 11.04.2023

To,

1. The Municipal Commissioner
ward no 10-14, Sub office Nagar Nigam, 17,
South, Sector 15, Chopasni Housing Board,
Jodhpur, Rajasthan 342008
Email: ceo_nnj@rediffmail.com
2. The District Collector,
Collectorate Jodhpur Office,
High Ct Rd, Jodhpur, Rajasthan-342001,
Email: dm-jod-rj@nic.in
3. The Member Secretary,
Animal Husbandry Dept, Rajasthan,
Civil Lines, Jaipur, Rajasthan-302006,
Email: director.ahd@rajasthan.gov.in

Subject: Complaint regarding the illegal confinement of stray dogs in government-run dog shelter, Jodhpur, Rajasthan-Regarding.

Sir,

With reference to the aforesaid matter, it is brought to the knowledge of the Board through various emails received from residents of Jodhpur about the news circulated on the various platforms (Social Media) that the condition of the government-run dog shelter for sterilization & immunization of stray dogs. The dogs in the shelter were living in cramped and unhygienic conditions, and many of them were not receiving adequate food and water as well as they don't keep dogs separately addition to this they also don't release dogs back to their place after ABC done as per law and they are also catching the healthy & pregnant dogs. A copy of the e-mail is attached, which is self-explanatory.

2. It is submitted that Section 11 (1) of Prevention of Cruelty to animals Act, 1960 as amended from time to time, provides that if any person beats, kicks, over-rides, over-drives, over-loads, tortures or otherwise treats any animals so as to subject it to unnecessary pain or suffering, he shall be punishable with fine and/or imprisonment. In terms of the provisions of the Act, therefore, the Govt. servant who indulges in act of cruelty to animals will be making himself liable for action under Prevention of Cruelty to Animals Act, 1960, besides, punishment under the Act, he would also make himself liable for action under CCS (Conduct) Rules for conduct unbecoming of a Government servant.

3. The Supreme Court has in the case of AWBI Vs. Nagaraja & Ors inter alia held that "We declare that the five freedoms [viz. i) freedom from hunger, thirst, and malnutrition; ii) freedom from fear and distress iii) freedom from physical and thermal discomfort iv) freedom from pain, injury and disease; and v) freedom to express normal patterns of behavior], referred to earlier be read into section 3 and 11 of Prevention of Cruelty to Animals Act, 1960, be protected and safeguarded by the State and Central Government, Union Territories (in short "Governments"), MoEF and AWBI." The copies of the same are attached herewith for your information.

4. In this regard it is stated that the Government of India have recently noticed Animal Birth Control Rules, 2023 and as per sub-rule 19 of Rule 11 of Animal Birth Control Rules, 2023, stated that the dog shall be released at the same place or locality from where they were

captured and the date, time and place of their release shall be recorded after their complete recovery and the representative of the local authority or of the animal welfare organization shall accompany the team at the time of release and from time to time. Thus, the stray dogs cannot be displaced and relocated from their territory in contravention to the above rule.

4. Further, as per Sub rule 1 of Rule 10 of Animal Birth Control Rules 2023 as obligation of the local authority shall ensure following facilities are available in each Animal Birth Control Center within their jurisdiction:-(a) sufficient number of kennels and veterinary hospital facilities which may be managed by local authority or animal welfare organization; (g) Cleanliness and hygiene to be maintained at all times at the Animal Birth Control Center. (h) Records for catching, release, medicine, surgery, feeding, vaccinations of all animals brought to the Animal Birth Control Center to be maintained.

5. The Hon'ble Supreme Court has also issued interim orders dated 18.11.2015 & 9.3.2016 in SLP No.691 of 2009, AWBI Vs P.E.S.T & Ors directed all the local bodies to provide infrastructure as mandated in the ABC (Dogs) Rules, 2001 and implement the Rules diligently. It was specifically ordered that no innovative method or subterfuge should be adopted not to carry out the responsibility under the PCA Act, 1960 or the ABC (Dogs) Rules, 2001 and that any kind of laxity while carrying out statutory obligations is not countenanced in law. The Board has also forwarded a module to all the State Govts. regarding the proper implementation of the ABC programme. The Board has uploaded the circulars / advisories on Pet Dog and the same is available in the website: www.awbi.in

5. In view of the above, the Jodhpur Municipal Corporation is requested to investigate in to the complaint there is no pain and cruelty to the stray dogs. Also, prepare a rapid action plan to sterilize and vaccinate the stray dog population as per the ABC (Dogs) Rules, 2023. It is also requested to take immediate necessary action against the offenders.

6. In view of the above complaint of cruelty to animal and violation of the Prevention to Cruelty to Animals Act 1960, ABC (Dogs) Rules, 2023 and the Indian Penal Code 1860, it is requested to initiate an enquiry and to take strict action against the offenders as per law. an action taken report of the same may be sent to the Board within 7 days of issuance of this letter.

“Please treat this as most urgent”.

Yours sincerely,



(Dr. S.K. Dutta)
Secretary

Encl: as above.

Copy to: for information and further appropriate action.

1. The Director, Animal Husbandry Dept, Rajasthan, Civil Lines, Jaipur, Rajasthan-302006, Email: director.ahd@rajasthan.gov.in
2. Shri Manish Saxena (Honorary Animal Welfare Officer, AWBI), Email: worldjpr@yahoo.com